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NOTIFICATIONS BY GOVERNMENT

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HOME DEPARTMENT

(Services-II)

SHOW CAUSE NOTICE ISSUED AGAINST SRI S.M. HUSSAIN, S.I. OF POLICE (F) OF KALAPATHER, CCS (NOW RETIRED), UNDER APRPRs, 1980.

[Memo No.181/Ser.II/A1/2008, Home (Services-II), 11th December, 2014.]

Ref:1.From DGP,A.P., Hyderabad Letter Rc.No.1674/Appeal-2/2007, dtd 19.12.2007.

2. Memo No.181/Ser.II/A3/2008, dated 04.7.2011

3.From the Hon'ble Tribunal, Hyderabad, order dt.14.12.2013 in O.A.No.6678 of 2011.

The Director General of Police, A.P. Hyderabad in his letter has reported that Sri S.M.Hussain, S.I. of Police, formerly of Kalapather, CCS (now retired) along with two others of Hyderabad City, was dealt with the following delinquency under Rule 20 of APCS (CCA) Rules, 1991:-

"For gross misconduct in detaining one Sri Jalaluddin for two days and another person Sri Moizuddin for a day and extorted an amount of Rs.4,000/- and Rs.2,000/- respectively and released them and filed to book any case against Jalaluddin".

The DCP, DD-II Hyderabad City who was appointed as Inquiry Authority, has conducted the O.E. and held the charge as 'Not Proved'. The C.P., Hyderabad having disagreed with the findings of the I.A., and issued a Dissent Note to the charged officer calling for their further representations. On receipt of the same, the punishing authority disposed the P.Rolls of two in service charged officers on merits. Since, one of the charged officer Sri S.M.Hussain, SI had retired from service on superannuation on 30.6.2004,

the D.G.P., A.P. Hyderabad has forwarded the O.E. record to the Government to dispose the disciplinary proceedings against him under Rule 9 of A.P. Revised Pension Rules, 1980.

2. Government after examination of the entire matter, have provisionally decided to impose penalty of withholding of 20% pension for a period of four years on the said retired charged officer under Rule 9 of A.P. Revised Pension Rules, 1980. Accordingly a show-cause notice was issued to the Charged Officer vide Memo.2nd cited, calling for his further explanation. Subsequently, the Individual has filed O.A.No.6678/2011 before Hon'ble APAT for setting aside the impugned Show Cause Notice issued by the Government and to release all consequential benefits and the Hon'ble APAT has directed the Government to pass fresh orders on the basis of the report of the Enquiry Officer either to accept the same or differ with the report of the Enquiry Officer, after giving opportunity to the applicant, if the respondents are particular to proceed further against the applicant, vide reference 3rd cited.

3. Accordingly, Government have examined the report of the Enquiry Officer and differed with the report of Enquiring Officer and held 'Proved' the charge for the following reasons:

- (1) The charged officer in his final explanation submitted to the Enquiry Officer himself accepted that S/Sri Jalaluddin and Moziuddin were brought to Kalapather PS. The statement of Sri M.A.Raheem, HC 3622 proves that the charged officer illegally detained Sri Jalaluddin in the PS.
- (2) When Jalaluddin, told that the Priya Scooter was purchased from Waheed Khan and the same was denied by Waheed Khan, the charged SI should not have returned the vehicle unless its ownership was established. When the ownership of the vehicle was not established and possession of Scooter with Jalaluddin was suspicious, releasing the vehicle and the persons by the charged SI was illegal.
- (3) The statement of Sri Mohd. Azizuddin proves that after taking Rs.4000/- through Sri M.A.Raheem, HC 3622, Jalaluddin was released without any action though the ownership details of the vehicle was not established. If the Charged Officer was innocent, he would have asked Sri M.A.Raheem, HC 3622 whether he had paid any amount to him. Interestingly the charged SI also did not cross examine the witness on this issue.
- (4) The doctor Smt Rahana Begum, deposed that on 29.5.1994 one person by name Mohd. Jamaluddin was brought by HC 6580 of Hussaini Alam PS and was given treatment vide MLC No.8045 with SI.No.33577. The name of the patient was wrongly mentioned as Jamaluddin by the doctor in the certificate. In the Out Patient Chit bearing the same MLC No. & SI.No. the name of the patient is correctly mentioned and written as Mohd.Jalaluddin. This proves that Mohd. Jalaluddin was beaten up at Kalapather PS on 20.5.1994 and was subsequently referred to the hospital where he was treated vide MLC No.8045.

- (5) The charged officer in his explanation to the IA informed that he released Jalaluddin as per the instructions given to him by Sri Mohd. Tahseen, the then Addl.DCP, DD. If that was so, he would have produced the said Officer as defence witness to speak. Hence it is an after thought.

4. After examination of the entire matter, Government have provisionally decided to impose penalty of withholding of 20% of pension for a period of four years on Sri S.M.Hussain, S.I. of Police, formerly of Kalapather, CCS (now retired), under Rule 9 of A.P. Revised Pension Rules, 1980.

5. Sri S.M.Hussain, S.I. of Police, formerly of Kalapather, CCS (now retired) is, therefore, directed to show cause as to why the above said penalty should not be imposed on him for the charge which was held 'proved' in the Enquiry. He should submit his explanation within fifteen days from the date of receipt of this Memo. If no reply is received within the stipulated time, it will be construed that he has no explanation to offer in the matter and final orders will be issued based on the material available with the Government.

AJAY MISRA,

Principal Secretary to Government.

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